

State of California
FISH AND GAME COMMISSION
(916) 653-4899
<http://www.fgc.ca.gov/>

Meeting of
April 6, 2006 (Thursday)
10:00 a.m.

City Council Chambers
Madison St. at Pacific St.
Across from: 399 Madison Street
Monterey

SUMMARY OF MEETING

1. PUBLIC FORUM.

Steve Scheiblauber welcomed the Commission to the city of Monterey. He stated that the Commissioners were going to discuss issues that are important to the City. He indicated that the heritage of the Monterey area economy is based upon the fishing industry and maintenance of other natural reserves.

H. N. Papadakis spoke on behalf of ranchers, farmers and sportsmen in the area. He stated that depredation of deer is a good tool when used properly but the area is experiencing a serious problem which affects the whole state. He asked the Commission to develop guidelines that can be utilized before depredation permits can be issued. He commented that the Fish and Game Code provides guidelines for the issuance of bear depredation permits, but those guidelines are not available for issuance of deer depredation permits. His interpretation of the data suggests that the deer population is dropping in the Monterey area due to the confusion of interpreting available guidelines.

Director Broddrick and Doug Updike discussed departmental procedures pertinent to this matter, and explained the Department's policy is to make recommendations on how to prevent damage. The Department is required to issue depredation permits to the landowner if they can confirm the damage. They indicated that the Department's depredation permit data shows that the number of depredation permits has increased, and that these permits are now being issued due to ornamental damage whereas in the past they were issued due to crop damage.

Deputy Director Mastrup stated that the permits are governed by statute, and if there is damage or threat of damage the department shall issue a permit—it is non-discretionary. He explained that the wardens are encouraged to suggest to the landowners to fence in their areas and some farmers and ranchers cannot follow the Warden's suggestions because it may be too impractical.

Commissioner Gustafson suggested that the AI Taucher Committee look deeper into this matter.

Assistant Executive Director Jon Fischer stated that the AI Taucher Committee will meet June 8. He further stated that Mr. Papadakis had provided a handout that was part of his testimony and it would be distributed at the Committee Meeting.

Kate Wing explained that SB 1345 originated to give the Department and the Commission help in raising outdated fees, hiring more staff and increasing flexibility

emphasizing the Commission's meeting scheduling. She stated that any suggestions on improving the bill would be appreciated.

Walt Mansell stated that the CRPA will be appearing at the USC-LA campus birthday celebration. He explained that it is the first time in 10 years, that a pro-hunting organization has been asked to participate in anything at the campus, and that they will be handing out Departmental literature as well as a wallet card published by the National Shooting Sports Foundation.

Marc Shargel stated that the Monterey area valued its living marine resources. He indicated that he supported many of the businesses that cater to the visitors who come to the area, and that he is an alternate member of the Marine Life Protection Act Central Coast Regional Stakeholders Group. He indicated that the group is looking forward to the Commission's decision to help them protect the resources in a way that would ensure that the eco tourism-based economy continues in the decades to come.

John Pearse spoke about being a member of the Marine Life Protection Act Stakeholders Group. He indicated that the members were a hardworking group of stakeholders who spent time considering a number of issues, creating a network as required by the bill so they could present "packages" to the Task Force and then onto the Commission. He explained they decided to break into two groups: Group 1 consisted of sport fishermen and conservation people, and Group 2 consisted of commercial fishermen. He noted that each group developed their own packages. He added that although there were a number of differences between the two groups, there was a lot of similarity, and subsequently, a third group had to be developed which created a hybrid package known as Package 3. He indicated that the Task Force asked that the groups develop one all encompassing package, so they had to develop another hybrid package known as Package 3R and which was presented to the Task Force and will be forwarded to the Commission.

Robin Robinson commented on the MLPA process, indicating that as a member-at-large of the group, she felt it was a fair process and people had a chance to have their views heard, and had easy access to Department staff and members of the Task Force. She stated that the members were supported with a lot of data, and indicated that they were able to comprise enough to be able to meet everyone's needs. She supported Package 2R.

Aimee David spoke on the living marine resources that drive the Monterey area economy. She indicated that she supported the work of the Commission.

Tom Raftican commented on a Spot Prawn Trawl Permit application that was withdrawn at the Riverside meeting. He read a letter from NOAA stating the reason for the denial of the permit was that the activities appear to be inconsistent with the Pacific Coast Groundfish Fisheries Management Plan and the Magnusson-Stevens Act. He commented that spot prawn trap gear has been demonstrated to be an effective method of "take".

April Wakeman discussed the California Wildlife Conservation Challenge, and commented on SB 1535. She indicated that, although she supports the basic concepts of the Conservation Challenge, she feels that it clearly implements policy that is the responsibility of the Commission and needs to be aired in a public manner. She

mentioned that Bob Strickland's letter asked the Commission to take a proactive stance regarding the Salmon fishing season.

Eric Mills congratulated Commissioner Gustafson on her confirmation. He requested that the robo-duck issue be revisited. He presented a handout to the Commissioners created by a coalition of hunters in Montana regarding robo-ducks, which mentioned that a number of states have banned the ducks during the first week of the season and then for the entire season for the state wildlife management area. He had further concerns regarding the Lily Pond in Golden Gate Park. He stated that a report to help clear up this problem was submitted to Region 3 regarding the African frogs in the pond on February 23, 2006. He commented that the report had received no response so far. His interpretation of the data indicates that the frogs are highly invasive and can be spread outside the park.

Commissioner Rogers questioned Deputy Director Mastrup regarding the status of the report and what options the Department would like to pursue.

Deputy Director Mastup indicated that the Department is currently working with the City to eradicate the frogs. He further stated that the Department is waiting for the weather to warm up and is working to resolve the religious issues associated with these frogs.

President Flores suggested that perhaps the Commission look into scheduling meetings in the bay area to further discuss the Lily Pond issue as well as live animals markets.

Paul Haskins spoke on behalf of the Lily Pond Coalition. He commented that these African frogs are producing an even larger number of frogs. He stated that the removal of the adult frogs will not eradicate them and that the tadpoles need to be removed and the pond must be drained and left to dry out. He asked the Department to respond to the report within the next two weeks.

Brett Matzke spoke on behalf of the California Golden Trout petition and he supported the April 1 opener. He indicated that Trout Unlimited has petitioned to have the Golden Trout listed as an endangered species. He stated that one major problem with the conservation strategy is that the Department is still planting triploid trout in the Kern River at Kennedy Meadow in violation of Golden Trout Policy.

Jim Bunn presented an action plan statement regarding the squid fisheries restricted action program. He indicated that the plan is inconsistent with other fishery management plans even though it is based on policy. He commented that the capacity goal of 52 transferable squid permits was selected merely by guesswork. He requested that the Department establish stricter regulations involving the transferable squid permits.

Commissioner Rogers indicated that this issue will be revisited at the next Marine Resources Committee meeting.

Paul Weakland commented on the Abalone Recovery Management Plan. He stated that Department appears to have been denying any hybridization of our aquatic environment for the last 9 years and that hybridization is why the abalone has had a hard

time reproducing. He requested the Commission agendaize withering syndrome and receive public testimony regarding this issue. He indicated the need for discussions regarding limpets and turban snails. He made additional comments on the history of otters in California.

Executive Director Carlson asked if there was anyone else from the audience who wished to speak, and there was no reply. Director Carlson mentioned that he had received a request to reschedule agenda item number 11, regarding Silver King Creek.

President Flores stated that he had received a call from Senator Cox's office requesting that this agenda item be tabled.

It was then:

MOVED BY MR. FLORES, SECONDED BY MR. HATTOY, THAT THE FISH AND GAME COMMISSION HEREBY APPROVES REMOVING AGENDA ITEM 11, CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 7.50(B)(178), TITLE 14, CCR, RE:SILVER KING CREEK.

PASSED UNANIMOUSLY.

2. PRESENTATION BY REGINALD H. BARRETT, U.C. BERKELEY, RE: WILD TURKEY DIETARY ANALYSIS.

Received Dr. Barrett's presentation; received public testimony.

3. RECEIPT OF DEPARTMENT REPORT AND RECOMMENDATIONS ON ITS REVIEW OF THE FOLLOWING COMMISSION POLICIES:
 - (A) DEPARTMENT OF FISH AND GAME RECOMMENDED WETLAND DEFINITION, MITIGATION STRATEGIES, AND HABITAT VALUE ASSESSMENT METHODOLOGY
 - (B) WETLAND DEFINITION
 - (C) RETENTION OF WETLAND ACREAGE AND HABITAT VALUES
 - (D) FISH AND GAME COMMISSION COMMENT TO THE DEPARTMENT OF FISH AND GAME ON THE WETLAND POLICY IMPLEMENTATION PROPOSAL

Received recommendations for no change; received public testimony.

OTHER

4. RECEIPT OF DEPARTMENT LEGISLATIVE REPORT AND POSSIBLE CONSIDERATION OF COMMISSION POSITIONS ON PROPOSED LEGISLATION.

Received report; received public testimony. Commission voted to authorize letters of support for AB 2146 and AB 2166, and to oppose AB 2110.

5. RECEIPT OF DEPARTMENT INFORMATIONAL ITEMS.

(A) UPDATE ON DEPARTMENT'S BUDGET.

Received report; received public testimony.

(B) UPDATE ON PPMC ISSUES.

Received report; received public testimony.

(C) DEPARTMENT 2005 REPORT ON THE CALIFORNIA RECREATIONAL FISHERIES SURVEY (CRFS).

Received report; received public testimony.

(D) UPDATE ON STATUS LIVE ANIMAL MARKET REPORT.

Received report; received public testimony.

(E) STATUS OF IMPLEMENTATION OF MLMA AND NEARSHORE FISHERIES MANAGEMENT PLAN.

Received report; received public testimony.

(F) UPDATE TO MLPA SCHEDULE.

Received report; received public testimony.

(G) OTHER

Received reports on: International Association of Fish and Wildlife Agencies; Proposed Abalone Fishery at San Miguel Island; Sturgeon Special Hearings; Fish and Game Commission and Enforcement Branch Shoot; and the upcoming Mammal Regulatory Cycle; received public testimony.

6. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.

(A) SUBCOMMITTEE REPORTS AND RECOMMENDATIONS.

I. AL TAUCHER POLICY ADVISORY COMMITTEE.

Received report; no public testimony.

II. MARINE RESOURCES COMMITTEE.

Received report; no public testimony.

(B) STAFF REPORTS.

I. POSSIBLE ADOPTION OF COMMISSION EMBLEM.

Commission adopted the proposed emblem.

(C) OTHER

Received staff informational report regarding the regulatory process; no public testimony.

7. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.

No report.

8. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.

Received informational report the Open Meetings Act; received public testimony.

EXECUTIVE SESSION
(NOT OPEN TO PUBLIC)

PURSUANT TO THE AUTHORITY OF GOVERNMENT CODE SECTION 11126(a)(1) AND (e)(1), AND SECTION 309 OF THE FISH AND GAME CODE, THE COMMISSION WILL MEET IN CLOSED EXECUTIVE SESSION. THE PURPOSE OF THIS EXECUTIVE SESSION IS TO CONSIDER:

- A. PENDING LITIGATION TO WHICH THE COMMISSION IS A PARTY.
 - I. SANFORD WINSTON, ET AL., vs. CALIFORNIA FISH AND GAME COMMISSION RE: SPOT PRAWN TRAWL.
 - II. CENTER FOR BIOLOGICAL DIVERSITY vs. CALIFORNIA FISH AND GAME COMMISSION RE: TIGER SALAMANDER.
 - III. CALIFORNIA FORESTRY ASSOCIATION, ET AL., vs. CALIFORNIA FISH AND GAME COMMISSION RE: COHO SALMON.
 - IV. JACK MORICI vs. CALIFORNIA FISH AND GAME COMMISSION RE: COMMERCIAL FISHING LICENSE.
 - V. BIG CREEK LUMBER COMPANY AND CENTRAL COAST FOREST ASSOC. vs. CALIFORNIA FISH AND GAME COMMISSION RE: SOUTH SAN FRANCISCO COHO LISTING.
 - VI. LINDY O'LEARY vs. CALIFORNIA FISH AND GAME COMMISSION RE: R.R.S.A.C. AND R.R.S.S. PERMIT DENIALS.
 - B. POSSIBLE LITIGATION INVOLVING THE COMMISSION.
 - C. STAFF PERFORMANCE AND COMPENSATION.
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Meeting of
April 7, 2006 (Friday)
8:30 a.m.

City Council Chambers
Madison St. at Pacific St.
Across from: 399 Madison Street
Monterey

SUMMARY OF MEETING

9. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION.

No Commission action.

10. RECEIPT OF PUBLIC TESTIMONY ON PROPOSED CHANGES TO SECTION 679, TITLE 14, CCR, RE: WILDLIFE REHABILITATION. (Note: Adoption will be considered at the May 4, 2006, meeting in Kings Beach)

Received Department's update; received public testimony.

11. CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 7.50(b)(178), TITLE 14, CCR, RE: SILVER KING CREEK.

Item withdrawn, to be rescheduled for the Commission's May 4th, 2006 meeting.

12. (A) CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 7.50(b)(91.1), TITLE 14, CCR, RE: KLAMATH-TRINITY RIVER SALMON REGULATIONS.

(B) CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 27.80, TITLE 14, CCR, RE: OCEAN SALMON FISHING REGULATIONS.

Received Department's report; received public testimony. Commission took no action.

13. DEPARTMENT REQUEST FOR COMMISSION CONSIDERATION AND POSSIBLE ADOPTION OF EMERGENCY ACTION TO AMEND SECTION 27.80, TITLE 14, CCR, RE: OCEAN SALMON FISHING REGULATIONS. (Note: All information has not been received for this item. Action may or may not be taken.)

Commission took no action.

CONSENT CALENDAR

14. CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 746, TITLE 14, CCR, RE: PROCEDURES FOR LICENSE OR PERMIT REVOCATIONS, SUSPENSIONS, REINSTATEMENTS, TRANSFERS OR WAIVERS OF RENEWAL REQUIREMENTS INCLUDING HUNTING AND SPORT FISHING LICENSE OR PERMIT PRIVILEGES.

Approved, no public testimony.

15. CONSIDERATION AND POSSIBLE ADOPTION OF PROPOSED CHANGES TO SECTION 670.2, TITLE 14, CCR, TO ADD BAKER'S LARKSPUR (*Delphinium bakeri*) TO THE LIST OF ENDANGERED SPECIES.

Approved; no public testimony.

OTHER

16. ANNOUNCEMENT OF FUTURE MEETINGS.